

## THE SIX MILITIA MEN.

The case of the Six Militiamen fairly stated; in which the imputations cast upon Gen. Jackson respecting that transaction, are shown to be illiberal and unfounded calumnies: published by order of the Central Jackson Committee at Raleigh, and addressed

To the **FREEMEN OF NORTH-CAROLINA.**  
[CONCLUDED.]

But, fellow citizens, suppose we are mistaken in this reasoning; how does this affect Gen. Jackson? Let us see how he stood, and what information he had; for no man can be responsible to public opinion for any errors but his own. Gen. Jackson commanded a division of Tennessee militia. Gov. Blount was his commander, and issued an order to him to call out 1,000 militia for six months, in forming him expressly that in so doing he acted by "instructions from the War Department." Those of you who have held commissions in the militia understand the mode of transacting matters of this kind; but for the information of all, it may be well to state, that the Secretary of War sends the President's instructions or requisitions to the Governor of the State whence the troops are to be taken, and he directs the Major General under his command to execute such orders as he receives. The Major General, in calling out the militia, has no communication with the War Department or the President, but acts entirely under the orders of his Governor, who is the General's superior, as the President is his. Now, it is admitted there was a law authorising the President to call out militia for six months in force when Gen. Jackson received the order; and his commanding officer informed him he acted under instructions from the Secretary of War, who is the President's agent in all military affairs. Now what, we ask, was Jackson to do? Was he to dispute the authority, and question the veracity of his Governor? Or was he to obey his orders? Every man who knows any thing of the matter must say it was his duty to obey. He did so; and the troops were mustered into service accordingly, and continued in service without any disapprobation expressed by the President.

How was Jackson to ascertain what passed on the subject between the President and Gov. Blount? He had no right to see the instructions from the Secretary, but was himself a man under the authority of the Governor, and bound to go and come at the command of his superior. This seems to us exceedingly clear. Suppose a Judge mistakes his duty, and wrongfully commits a man to prison, is the jailor liable to prosecution if he detains him? Or if the prisoner attempt to break jail, is he not justified in retaining him by force, and even in killing him, if he held answerable for the errors of the Judge? Surely not. Common sense tells us, that if the jailor receive an order from his superior, who has a right to commit, and that order is in its form sufficient, he is bound to obey, and is not to be called to account for either the mistake or corruption of the Judge. Is not this principle one of universal justice directly applicable to, and decisive of, the case in question? Jackson acted under orders received in the usual mode from his proper commander, and professing to be under instructions. Now, suppose these orders were issued by mistake: is Jackson answerable for it? Is he a murderer because Gov. Blount issued an order without proper authority from the Department of War, which order Jackson was bound to obey, or liable to be cashiered or shot if he refused? We say then, these militia were rightfully ordered out for six months by Gov. Blount; but if not, yet Gen. Jackson was bound to suppose them so rightfully ordered out; and take it either way, the sentence was not illegal.

But let us meet our opponents on their own ground, and suppose for a moment that these troops were ordered out for three months only instead of six: was the execution of these men illegal? We affirm it was not. Our opponents say that the term of service expired on the 20th of September, and that on that day the militia had a right to go home; and as their departure was not desertion, they were improperly convicted and improperly executed. In this manner of presenting the subject they artfully keep back a most important fact, and endeavor to impress upon you that all that the persons executed did, was to march peaceably home on the 20th of September, when their term of service had expired. Now, let us attend to the facts. These men, as you will find by attending to the proceedings of the court martial, were charged, in substance, with two crimes: 1st, mutiny, or exciting others to mutiny; and 2d, desertion. This mutiny consisted in a large party of them assembling on the 19th of Sept. and breaking into the Commissary's store house, and seizing and taking out the public stores. The desertion was committed on the 20th by going off in a disorderly manner, immediately after the revelle beat. Now mark the sort of reasoning offered to you by the Adams men. It is said these men had a right to go home on the 20th; for

be admitted; will it follow that they had a right to force the guard and seize the contractor's stores on the 19th? Were they not soldiers on the 19th? Is it supposed you are stupid enough to believe that, because troops are entitled to their discharge on the 20th of September, they have a right to commit a most outrageous mutiny and riot on the 19th? If the Colonel of the regiment lost his authority on the 20th, yet it was in full vigor on the 19th; and the same reasoning which would justify the outrage committed on that day, would justify it if committed a month before. For this mutiny, committed while it is confessed that these troops were lawfully in service, as well as the subsequent desertion, the six militiamen were sentenced and executed.

Now, "to begin, excite or join in any mutiny or sedition" is by the 7th of the Rules and Articles of War "punishable with death, or such other punishments as by a Court Martial shall be inflicted," and the Court was (by the act of April 18th, 1814, Sec. 12.) authorized to try and punish any militia man after his term of service expired for any offence committed during such service. Let the desertion then be put out of the question, and the sentence is fully supported by the mutiny, while the accused are admitted to have been in the service of the United States.

But it is alleged that the execution, if legal, was inhuman; for it is said the enemy had been beaten on the 8th January, had embarked on board his ships on the 18th, and sentence was approved on the 22d; and as peace had been made in December before, it is inferred that it was not necessary to make any example. Let us then meet this allegation fairly, and see if it is not founded either on mistake or misrepresentation.

That a mutiny, evincing an alarming degree of insubordination, and involving in its guilt a large number of troops, had been committed, cannot with any regard to decency or truth be denied;—that on the morning after this mutiny, the troops concerned in it had left their posts without orders, and in defiance of authority, is equally free of dispute. If discipline is necessary to the efficiency of an army, and if an army is necessary to defend the nation in time of war, it must follow that in general every violation of discipline, and every disobedience of orders, ought to be punished. It is certainly vain to expect that he who has once violated his duty, will, when he escapes without punishment, be in future more careful to obey. On the contrary, experience justifies us in saying that impunity hardens the offender, and emboldens others to offend. The purpose of punishment is mainly to strike terror into others, and promote good conduct in them, by a salutary fear of the like punishment themselves. That punishment is necessary, then, cannot be denied. The proper degree of it is to be determined by the nature of the offence, the number involved in it, the state of the army, and the situation of the country.

What was the nature of the offence? It was not an ordinary instance of insubordination in one or two drunken and ill behaved soldiers, or of a few cowardly men deserting their colors and taking themselves away in secret. It was an act of desperate violence, deliberately meditated and openly executed by an armed force of considerable numbers: it was the public desertion of a large body of men in contempt of authority. If such an act could be committed without severe punishment, it is plain the army would cease to exist: there might continue a crowd of men, indeed, assembled to consume the provisions provided for the defenders of their country; but they would no longer deserve the name of an army;—would no longer be an organized body, on which the government could rely to fight in the field or perform duty in a garrison. If one company could march off at its pleasure, so could any other, and the commanding officer might lie down in his tent at night with a regiment around him, and wake in the morning without a corporal's guard. What was the situation of the army and the country? These troops were posted in the country of the Creek Indians, to prevent a repetition of those outrages for which Jackson had just before severely chastised them. Among these troops a spirit of insubordination had long before appeared, and for several months had been spreading its contagion. Jackson had on the memorable 8th of January gained a glorious victory over a large and well appointed force of British veterans, and they had been driven to their ships; but they had not left our shores. They were hovering upon our coast as British troops had been for years before—at what moment they would return, smarting under the disgrace of their late defeat, to make another and more desperate effort, none could tell. The Creeks, their savage allies, were waiting but for an opportunity to break in upon the back settlements, and renew their horrid warfare against age and infancy. The latter could only be prevented by keeping up an efficient force to check them. But the regiment called out under Governor Blount's orders were relied upon to perform this service, and

could not be expected. And further, if an example of insubordination such as theirs were unpunished, how long could the Commanding General count with security upon the fidelity of the troops immediately around him? They had families whom they wished to visit, and had a right to do so, if other detachments had, and no man could foresee but this evil example, contagious as such examples always are, would in a short time undermine the principles and destroy the usefulness of the whole army of the South.

In such a state of things, let it be asked of any impartial man, if a stern necessity did not require an example?

But it is said peace had been made. Now would not any man infer from this that the fact was known? Certainly he would, and it was intended that such an opinion should be entertained. There fore they forbore to tell you that the news of peace had not reached this country. The treaty, though signed in Europe in December, was unknown in the United States at the time the sentence was approved.

Jackson had no knowledge of the peace—and no man in the southern army, up to the time of the execution, even suspected it. What then can exceed the baseness of endeavoring to blacken the reputation of Jackson for not acting upon a state of things which he did not know, and had no means to ascertain? But it is said the execution of one would have been sufficient. How are we to ascertain this? The Court Martial thought otherwise, and is not their opinion entitled to weight? They were officers of the militia, citizens of the same State with the accused, and having common interests and feelings with them—what inducement could they have had to imbrue their hands in blood unnecessarily shed? The accused were asked if they had any objection to any member of the court, and declared they had not. This court, composed of their own fellow citizens and officers of the militia, and approved by themselves, sentenced them. Have the Court discovered a disposition to shed blood? Look at the record of their proceedings. Out of more than one hundred and fifty persons found guilty, only six are ordered to be shot. These men were in a high degree guilty, the active agents in promoting sedition and desertion. Impartial men, giving their understandings fair play, will conclude, we think, that it was necessary to make such an example as should strike terror, and that the example made was not more than sufficient for the purpose. Further, what reason could General Jackson have to disapprove the sentence of the court, composed of respectable and impartial men, who were in possession of all the facts, and knew all their feelings, who could well judge of the extent of the evil, and the punishment demanded for its redress? He was at a distance from the scene, knew nothing of the facts himself, and had no reason to doubt the propriety of their decision.

But let us imagine for a moment that General Jackson had yielded to his feelings of compassion, and had released these men—and suppose also, that peace had not been made—is it not extremely probable that other bodies of troops stationed in the country of the savages would have abandoned a disagreeable service, under the influence of the example set them, and in the confidence that if they should be arrested and brought back, they would also escape upon easy professions of penitence and reformation? What would have been the consequences? The Creeks, eager for revenge of their late defeat, would have broken into our frontier—their tomahawks would have been in the cabins of the defenceless settlers—their wives murdered, and their infants dashed against the ground. What would the voice of justice have declared? Should not we all have said "we owe this to a weak and undistinguishing compassion; the mercy shown to the mutineers was cruelty to our peaceful inhabitants—an enlightened humanity would have dictated their execution, and thus, by the death of a few turbulent and offending men, the lives of hundreds of women and children had been saved? Should we not have said "Jackson had not the firmness to do his duty?" Would not those, who now charge Jackson with the guilt of murder in the execution of these men, have been in that case the first and the loudest and most inveterate in condemning him?

It is true, as things turned out, a treaty of peace arrived and was ratified: but things not known are to us as if they did not exist. The inquiry we are making is, what was right to be done with the information then possessed, and not what would have been right had Jackson known what no man in America knew or could know.

Yet it may well admit of question whether, if peace had been known, the lives of the men could have been spared without setting a precedent of the most mischievous operation upon the discipline and subordination of militia levies in future wars. But, be that as it may, if we confine our attention to the state of knowledge upon the subject existing at that

time, the sentence was right, and its execution necessary for the preservation of our best interests as a people? On this subject we cannot but concur in opinion with the Military Committee. Their report is said to be intended to whitewash the transaction, and this is said by those who take care not to print it for your examination. We now submit it to your consideration—read it, and judge for yourselves.

It is worthy of observation that the writer of the preliminary remarks in the pamphlet before referred to, is obliged to state that which, properly considered, justifies the execution of the six militia men: He says, "in the war of our revolution, an execution sometimes took place in the regular army for the sake of example in some very atrocious case." Now we ask, what case can be more atrocious than mutiny by more than a hundred armed soldiers, forcing a guard and seizing the public stores? Let a case more atrocious be produced either in the army of the revolution or that of the late war—if any such ever existed.

But perhaps the writer means that regular soldiers are to be punished, and militiamen escape when guilty of the same offence. If so, let a reason be assigned. The militia, when in the service of the United States, are, by law, placed under the government of the Rules and Articles of war. They are liable to punishment for the same offences. Is it less criminal or less dangerous in a militia man to desert his post or violate his duty? Or has he less capacity to know his duty, or less motive to perform it?

The same writer says "it was a sad day in Tennessee, when the militia came home after the victory." This, if it means any thing to the purpose, must mean that in Tennessee Jackson's conduct was disapproved. Here we are willing to meet our opponents, and let the matter be decided, if they will, by the voice of Tennesseans—by those brave men who followed him to the field, served under his orders, and shared in his triumph and the glory of their country. Is Jackson a cruel and ferocious monster, who has been guilty of the illegal and unnecessary massacre of his fellow soldiers? Ask Tennessee, whose militia he is charged with murdering, and let the vote by which her Legislature placed him in the Senate of the Union answer: let the vote by which her people sought to elevate him to the Chief Magistracy answer. If Jackson were the monster he is represented, would he be thus loved and honored at home? Would those who best know him be most anxious to place him in the highest station?

Look at the battle of New-Orleans, and learn with what care he preserves the lives of his fellow soldiers. So excellent were his arrangements to secure his men and give effect to their fire, that while the enemy lost many hundreds, but thirteen Americans fell. Fellow citizens, we appeal to his whole public conduct for proof, that, while he has been prodigal in the exposure of his own person to danger, he has never rashly endangered others. The safety of his country has been his sole object. When that required the death of her foes or the punishment of her offending citizens, he has not spared to do his duty, and he has done no more. In the days of the Roman Republic, one of their Generals, when in presence of the enemy, ordered, upon pain of death, that no soldier should leave the ranks. Shortly after, a giant from the opposite side appeared and challenged the Romans to single combat. When they all remained still and silent, he reproached them with cowardice in such insulting terms, that a young Roman, the son of the General, burning with shame, rushed forward, met and slew him. Cutting off his head, he bore it in triumph to his father, who immediately ordered him to execution for disobedience of orders. Rome approved his conduct and by such stern justice, and the rigid discipline which was produced by it, she rose from a feeble state to be the greatest empire in the world. Yet what was the offence of this youth compared with the six militia men? Did the Roman father shew that he delighted in blood, or that he was wanting in paternal affection? No; it was not that he loved his son less, but that he loved Rome more.

Is Jackson deficient in humanity? No: the Judge who condemns an offender, or the Governor who refuses a pardon, may have the deepest commiseration for the man who suffers; but loving his country, and seeking the welfare of a whole nation, he must subdue his private feelings, and make the sacrifice which public good demands.

At page 13th of the Adams pamphlet, you will find a gross attempt at imposition. At that page is a letter of Governor Blount, dated 4th of August 1814, in which he states that

2,500 men, called under a requisition from the War Department, were required to rendezvous on the 20th September; and at the foot of the page is a note, insisting, from that expression, that Gov. Blount "considered the service of the 1,000 men to be only three months." Now, on the same page, and immediately under the letter of the 4th of August, is a letter of Gov. Blount, dated the 19th of October, in which he mentions these 1,000 men as at the posts in the Creek country, and then says, "They were called out for SIX months, and have nearly three months yet to serve." Here they assert that Governor Blount considered the term of service as three months when he himself, in a letter printed on the same page in which this assertion is made, expressly declares the term of service to have been SIX months: This assertion, therefore, was not only false, but was made with the truth before the writer, and consequently was known to be false.

In a note to page 23, it is said that Sergeant Morrow was pardoned by his General. Let it be remarked that this pardon was granted by General Taylor, and the right to pardon belonged not to him, but to the Commander in Chief. Morrow pleaded this pardon before the Court, who were the proper persons to judge of its validity, and they disallowed it. It was of no more force than a pardon granted by a Judge would be in North-Carolina, where the power to pardon is vested in the Governor. But if you will examine this pretended pardon, which is on the same page with the note above mentioned, you will find that General Taylor did not suppose it to have any effect without the approbation of the Commanding General. His words are, "he is hereby pardoned on reporting himself to his company of Col. P. Pipkin's regiment without delay, subject to the will of the Commanding General."

By way of conclusion to the misrepresentations and falsehoods contained in the preliminary remarks, and in the notes to this pamphlet is added an account said to be written by an eye witness of the execution of these men. Whether the account is not a mere fabrication of the publisher of the pamphlet we have no means to ascertain, or if the production of any one present at the execution, we are equally unable to determine the character and standing of the writer, since his name (like other important matters upon this subject) is carefully withheld. Supposing this account to be true, what follows from it? Does it in any way affect the justice or propriety of General Jackson's conduct? He was not present at the place of execution, and knew nothing about the circumstances attending it. Bear in mind that Jackson was at New Orleans and in its neighbourhood during the whole of the trial and until after the execution of the sentence. He had been there employed in superintending and directing the great operations which preserved that City and shed a lustre over the American name. The trial and execution took place at Mobile, a distance of near a hundred and fifty miles from New-Orleans, and all that Jackson knew of the matter was furnished by the proceedings of the Court, sent to him at New-Orleans for his approbation.

The case of John Harris seems to be considered as one especially calculated to move your sympathies. Just take the time to look into the evidence on his trial, and you will see how opposite from meekness and peace had been his conduct. You will there find him the active promoter of mutiny and desertion; and more than that you will find him expressing his willingness that those of his fellow soldiers who would not desert with him, but chose to remain in the service, might be bayoneted, and even threatening to shiver his musket over the head of his commanding officer. Surely a man of this spirit—a spirit so unbecoming a man, a soldier or a christian, is not properly the object of great commiseration. If such a man as he had been permitted to escape, who would ever suffer? We may indeed pity these men, as every humane man will pity the suffering of a fellow creature, however deserved or necessary; but surely we shall be compelled to say that the court martial, in condemning, and Jackson in approving their sentence, acted under the firm belief that their punishment was necessary for the good of the country. Read the letter of Major Armstrong, which you will find among the papers at



nexed. He was an officer in the army, and at Mobile, and is now Marshal of the State of Alabama. He knew the state of things in the army, and he was also an "eye witness" of the execution. His letter shows that there was but one opinion as to the justice and necessity of the punishment, and will furnish a sufficient answer to an unknown writer, supported by a witness without a name.

Could Gen. Jackson have any resentment against these men? The mutiny happened at a distance from him, and he was not the subject of immediate insult or provocation. Was he not acting under the influence of sincere love for his country, and a wish to advance her glory and her happiness? Let his conduct answer. At the call of his country, what dangers had he not braved—what hardships had he not undergone? He an enemy to the militia! He regardless of their blood! With them he subdued the Creeks, and defeated the chosen legions of Britain—they he taught to suffer and to die for their country; and while he pointed out the path of danger, which honor and duty called them to tread, he was ever the first in peril as in rank.

It has never been his custom to enjoy offices and emoluments at a distance from the scene of difficulties and of hazard. He has not spent his life in ease and splendor, leaving the heat and burden of active service for others to endure. When he came forward, it was in the dark day of his country's trouble. In her cause he counted nothing which he had too dear to be sacrificed, and freely ventured all that is by ordinary souls most eagerly sought and anxiously retained. Such is the man who is now grossly assailed for doing what was deemed by him to be his duty. Such is the man whom you are called to sacrifice upon the credit of mutilated documents, injurious reproaches, false assertions, and anonymous writers.

If, therefore, we should be entirely mistaken in the reasoning on which we have endeavored to justify as right and necessary what was done by Jackson in the transaction we have been considering—yet from one position we cannot be removed:—He acted from a conscientious belief that what he did was for the good of his country that he had a right to do it, and that it was his duty to do it—he had probable and fair reasons so to believe and so to act. If then he erred, his motive was pure and noble, and his error no rational ground is furnished for disesteem or distrust.

We say then, fellow citizens, be not shaken in your confidence by the attempts made to sully the reputation of Andrew Jackson. He whose name is already associated with his country's glory, has done, and will do nothing to degrade it. Advanced by the grateful suffrages of an admiring country to her first magistracy, her welfare will still be the polar star of all his exertions, and his past services, important and various as they have been, will scarce be remembered amidst the mild glories and peaceful blessings of his civil administration.

WILLIAM POLK,

Chairman Central Jackson Committee.  
Wm. H. Harwood, Jr. Secretary.